

U.S. PROBATION OFFICE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION

Name of Offender: Robert Mark McPherson

Docket Number: 2:08-CR-38-014

Name of Sentencing Judicial Officer: The Honorable R. Leon Jordan
United States District Judge

Date of Original Sentence: February 17, 2010

Original Offense: Conspiracy to Distribute and Possession with Intent to Distribute Five (5) Grams
or More of Methamphetamine

Class: B Felony

Criminal History Category: II

Original Sentence: 60 months imprisonment, to be followed by four (4) years of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: February 14, 2013

Date Supervision Expires: June 25, 2017

Assistant U.S. Attorney: Caryn Hebets

Defense Attorney: Robert B. Dickert

Revocation Guideline Range: 6-12 months

Statutory Maximum: 36 months

PETITIONING THE COURT

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1

General Condition: The defendant shall not commit another federal, state, or local crime.

2 **Standard Condition No. 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, except as prescribed by a physician.

3 **Standard Condition No. 11:** The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

On July 7, 2015, Mr. McPherson was charged with Public Intoxication in Sullivan County, Tennessee. Police records indicate officers were dispatched to Dail Street in reference to a disturbance call. Mr. McPherson was found in the middle of the road arguing with his girlfriend, allegedly causing a disturbance. Upon officers speaking to Mr. McPherson, he was alleged to have a strong odor of an alcoholic beverage on his person and breath. Also, Mr. McPherson was unsteady on his feet and had a complete lack of coordination. Mr. McPherson was ordered to go into his residence, and he would not comply with that order. It was determined Mr. McPherson could not adequately care for himself and would be a danger to himself and the general public, so he was placed under arrest for Public Intoxication. Mr. McPherson was released on \$250 bond.

On July 16, 2015, the probation officer learned of the new arrest through a random records check. On July 17, 2015, Mr. McPherson reported to the probation office. Mr. McPherson did not report his arrest in a timely manner, and when questioned, he indicated he thought he only had to report the conduct on his monthly reporting form. Mr. McPherson admitted to drinking heavily on the night of the incident. Mr. McPherson denied having an alcohol dependance or problem, and he declined needing any treatment on this date.

On November 5, 2015, Mr. McPherson pled guilty to public intoxication in Sullivan County General Sessions Court Docket Number RK-39186 in Kingsport, Tennessee.

4 **General Condition:** The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.

5 **Standard Condition No. 3:** The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

6 **Standard Condition No. 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, except as prescribed by a physician.

- 7 **Standard Condition No. 8:** The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 8 **Standard Condition No. 9:** The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

On November 6, 2015, Mr. McPherson completed a random drug screen which tested presumptive positive for methamphetamine and marijuana. Mr. McPherson initially denied any illegal substance usage to the probation officer; however, he later admitted to smoking marijuana on November 5, 2015. On November 20, 2015, Mr. McPherson again denied any methamphetamine usage. He was instructed to report to the office on November 23, 2015. On November 23, 2015, Mr. McPherson submitted a urine sample, which was presumptively positive for methamphetamine. Mr. McPherson denied any usage of methamphetamine again on this date. The lab confirmed separate usage of methamphetamine in both samples submitted for the month of November 2015.

Based on the above conduct, the offender appears to be in violation of Title 21 U.S.C. § 841 (a)(1) and (b)(1)(E). On the dates of November 6, 20, and 23, 2015, Mr. McPherson stated to the probation officer he had not used methamphetamine. The offender provided false information when answering these questions and appears to be in violation of Title 18 U.S.C. § 1001.

On November 30, 2015, Mr. McPherson attended a substance abuse treatment appointment with Comprehensive Community Services. On this date he still denied any methamphetamine consumption; however, he did admit to the counselor to being present with others that were consuming methamphetamine.

Assessment of Flight/Danger and Bond Recommendation: Based on Mr. McPherson's conduct while on supervision in obtaining new criminal charges, using illegal substances, lying to a probation officer, and associating with person's engaged in criminal activity he appears to be a danger to the community. There appears to be no condition nor set of conditions which can mitigate this risk. This officer respectfully recommends Mr. McPherson be detained pending a hearing before the Court to determine why his supervised release should not be revoked.

PETITION FOR WARRANT FOR OFFENDER UNDER SUPERVISION
RE: Robert Mark McPherson

Page 4

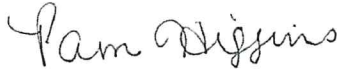
Petitioning the Court to order:

That a warrant be issued and the defendant be ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2015.

Respectfully submitted,



Pamela Higgins
United States Probation Officer

APPROVED:

Paul Harris

Digitally signed by Paul Harris
DN: o=Administrative Office of the US
Courts,
email=paul_harris@tnep.uscourts.gov,
cn=Paul Harris
Date: 2015.12.04 12:00:53 -05'00'

For Karrie Lasko Date
Supervising United States Probation Officer

PEH:rdh

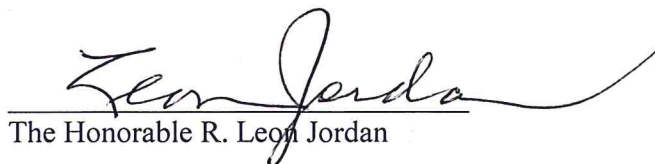
ORDER OF COURT:

A warrant is to be issued and the defendant is ordered to appear in Court for a hearing to determine whether the term of supervision should be revoked. This petition is to be placed under seal until the defendant is arrested or appears in court.

So ordered.

ENTER.

12-7-15



The Honorable R. Leon Jordan